

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**MICHAEL BARRETT, on behalf of
himself and all others similarly
situated,**

Plaintiffs,

-v-

**THE GARAGE CARS, LLC d/b/a
THE GARAGE,**

Defendant.

Civil Case Number: 1:23-cv-11018-NMG

DECLARATION OF YITZCHAK ZELMAN, ESQ.

I, Yitzchak Zelman, Esq., of full age, declare as follows:

1. I am an Attorney at Law admitted to practice *pro hac vice* in this action, and am a partner of the law firm Marcus & Zelman, LLC with offices located at 701 Cookman Avenue, Suite 300, Asbury Park, NJ 07712.
2. My firm represents Plaintiff, Michael Barrett on behalf of himself and those similarly situated. I have personal knowledge of the facts stated herein based on a review of the files maintained by my office as well as from my conversations with Mr. Barrett.
3. I make this declaration in support of my appointment as class counsel.

Documents Attached Hereto

4. Attached hereto as Exhibit C is a true and accurate copy of the Defendant's Supplemental Responses to the Plaintiff's Interrogatories.
5. Attached hereto as Exhibit D is a true and accurate copy of the transcript of the Defendant's deposition, taken in this action pursuant to FRCP 30(b)(6).

Fed. R. Civ. P. 23(g) Factors

6. Fed. R. Civ. P.(c)(1)(A) requires that an order certifying a class action must appoint class counsel under Fed. R. Civ. P. 23(g), which requires the Court to consider four factors. I address each of these factors seriatim.
 7. The first consideration is "the work counsel has done in identifying or investigating potential claims in the action."
 - a. I drafted the Complaint filed in this action.
 - b. I opposed the Defendant's Motion to Strike the Class Allegations
 - c. I drafted the discovery demands served on the Defendant, and reviewed the responsive pleadings filed by the Defendant.
 - d. I reviewed the discovery responses provided by the Defendant.
 - e. After highlighting deficiencies with Defendant's discovery responses, I obtained Supplemental Responses from the Defendant.
 - f. I conducted legal research into the claims set forth in the Complaint.
 - g. I prepared the Plaintiff for his deposition.
 - h. I took the Defendant's deposition.
 - i. I drafted the Plaintiff's Motion for Class Certification.

6. The second consideration is "*counsel experience in handling class actions, other complex litigation, and the types of claims asserted in the action.*"
 - a. I am an attorney licensed to practice by the State of New Jersey since 2012, where I have practiced ever since admission.

- b. I have appeared in consumer law matters in federal courts across the country, including in district courts throughout New York, New Jersey, Pennsylvania, Washington, Illinois, Texas, California, Indiana, Florida, Alabama, Michigan, Georgia, Connecticut, Iowa, Nevada, Kentucky, Ohio, Louisiana, North and South Carolina, New Mexico, Arkansas, Oregon, Missouri, Colorado, Massachusetts, Wisconsin and Tennessee, as well as in the Second, Third, Ninth and Eleventh Circuit Courts of Appeals.
- c. Mr. Marcus and I founded the law firm of Marcus & Zelman, LLC (“the Firm”) in June, 2015.
- d. Since that time, Marcus & Zelman, LLC has recovered millions of dollars on behalf of consumers who had been victimized by abusive and deceptive collection practices as well as individuals whose consumers rights had been violated. The Firm has also been regularly appointed as class counsel in consumer class actions, including in
 - i. *Town & Country Jewelers, LLC v. Meadowbrook Insurance Group, Inc.*, Case No. 3:15-cv-02519-PGS-LHG (D.N.J. 2017)(\$1,500,000.00 TCPA Class).
 - ii. *Willis and Shvarts v. iHeartMedia, Inc.*, Case No. 16-CH-02455 (Cook County, Illinios) (\$8,500,000.00 TCPA Class).
 - iii. *Manopla v. Home Depot*, 3:15-cv-01120 (D.N.J.) (\$4,350,000.00 TCPA Class).
 - iv. *Richardson v. Verde Energy*, 5:15-cv-06325-WB (E.D. Pa. 2020)(\$3,000,000 TCPA Class).
 - v. *Sussino v. Work out World*, No. 3:15-cv-05881 (DNJ 2019)(TCPA Class, currently stayed).
 - vi. *Steve Ann Muir vs. Early Warning Service*, 2:16-cv-00521 (D.N.J.)
 - vii. *Rodriguez v. AllianceOne*, Civil Case No. 2:15-cv-01224 (RAJ) (WD Wa.)
 - viii. *Foerster v. First Collect*, Civil Case No. 1:17-cv-01338-JEJ (D.Delaware).
 - ix. *Encarnacion v. Fin. Corp. of Am.*, No. 2:17-CV-566-FTM-38CM, 2018 WL 6250944 (M.D. Fla. Nov. 14, 2018)(FDCPA class).
 - x. *Bereket v. Portfolio Recovery Assocs., LLC*, No. C17-812 RSM, 2018 WL 6266606, at *5 (W.D. Wash. Nov. 30, 2018) (FDCPA class).

- xi. *Beneli v. BCA Financial Services, Inc.*, Case No. 3:16-cv-02737-FLW-LHG (DNJ 2018) (FDCPA class).
- xii. *Pollak v. Portfolio Recovery Assocs., LLC*, No. CV 15-4025-BRM-DEA, 2018 WL 466241 (D.N.J. Jan. 17, 2018) (FDCPA class).
- xiii. *Tiernan v. G&R Collections*, 3:16-cv-02602 (M.D.TN 2018) (FDCPA class).
- xiv. *Willemsen v. Professional Recovery Services, Inc.*, Civil Case No. 1:14cv6421 (D.N.J. 2016)
- xv. *Krady v. A-1 Collection Agency, LLC*, Civil Case No. 3:14cv7062 (D.N.J. 2016)
- xvi. *Truglio v. CBE Group*, Civil Case No. 3:15-cv-03813 (D.N.J. 2017)
- xvii. *Hartman v. Medicredit, Inc.*, 2:15-cv-01596 (W.D. Pa. 2017)
- xviii. *O'Brien v. Waldman & Kaplan, PA*, Case No. 3:15-cv-07429-BRM-LHG (D.N.J. 2017)
- xix. *Dinaples v. MRS BPO, LLC*, Case No. 2:15-cv-01435 (W.D. Pa. 2017)
- xx. *Hartman v. Monarch Recovery Management, Inc.* Case No. 2:15-cv-01364-CB (W.D. Pa. 2017)
- xxi. *Etienne v. Reliant Capital Solutions, LLC*, Case No. 1:16-cv-02359-WFK-JO (E.D.N.Y. 2017) (FDCPA class).
- xxii. *Jackson v. RMB, Inc.* Civil Case No. 2:14cv2205-MF (D.N.J. 2015).
- xxiii. *Barenbaum v. Hayt, Hayt & Landau, LLC*, No. CV 18-4120, 2019 WL 4305761, at *13 (E.D. Pa. Sept. 10, 2019) (FDCPA class).
- xxiv. *Nieves v. A&J Collection Agency, Inc.*, No. CV 3:18-cv-17284-DEA (D.N.J. Nov. 15, 2019) (FDCPA class).
- xxv. *Kassin v. AR Resources, Inc.*, No. CV 16-4171 (FLW), 2018 WL 6567703 (D.N.J. Dec. 13, 2018) (FDCPA class).
- xxvi. *Reid v. Asset Recovery Solutions, LLC*, 1:17-cv-02095-AT (N.D. Ga February 19, 2020).
- xxvii. *Kaykov v. Coast Professional, Inc.*, 1:18-cv-06442-KAM-RLM (E.D.N.Y. Jan. 28, 2020).
- xxviii. *Huber v. Simon's Agency, Inc.*, No. CV 2:19-01424, 2021 WL 5758938, at *2 (E.D. Pa. Dec. 3, 2021)(FDCPA class).
- xxix. *Lenorowitz v. Mosquito Squad of Fairfield & Westchester Cnty.*, No. 3:20-CV-01922 (JBA), 2022 WL 4367596 (D. Conn. Sept. 21, 2022).
- xxx. *Rocke v. Monarch Recovery Management, Inc.*, 1:20-cv-11736-RWZ [Docket 81] (D. Mass. May 11, 2023).

8. The specialized skills I have developed, in focusing solely on the representation of consumers, has been repeatedly noted by the courts. The undersigned was just appointed as class counsel by the Honorable Judge Zobel, in an FDCPA case this past month. *Rocke v. Monarch Recovery Mgmt., Inc.*, No. 1:20-CV-11736-RWZ, [Docket 81] (D. Mass. May 11, 2023)(certifying an FDCPA class and appointing Mr. Zelman as class counsel). See also, *Barenbaum v. Hayt, Hayt & Landau, LLC*, 2019 WL 4305761, at *13 (E.D. Pa. Sept.

10, 2019)(“The Court is satisfied that Barenbaum’s attorneys have the experience and qualifications to handle this litigation.....The Court thus appoints Marcus & Zelman, LLC as class counsel”); *Beneli v. BCA Fin. Servs., Inc.*, 324 F.R.D. 89, 98 (D.N.J. 2018)(“The Court finds that Class Counsel Ari Marcus & Yitzchak Zelman of Marcus & Zelman LLC are adequate”); *Pollak v. Portfolio Recovery Assocs., LLC*, 285 F. Supp. 3d 812, 844–45 (D.N.J. 2018)(“Lead Counsel, Marcus & Zelman, LLC, is experienced in handling complex litigation.....Accordingly, counsel are qualified and experienced in consumer action litigation and more than adequate to represent Plaintiffs and the class”).

9. The third consideration is *“counsel’s knowledge of the applicable law.”* I have been plaintiff’s counsel in well over 1,000 consumer protection cases filed in the federal courts of the States of New York, Massachusetts, New Jersey and nationwide. I have won numerous motions at all stages in these litigations, been certified as class counsel, as well as successfully represented plaintiffs in numerous arbitrations, mediations, at trial, and on appeal before many of the Circuit Court of Appeals.
10. The fourth consideration is *“the resources that counsel will commit to representing the class.”*
11. Marcus & Zelman, LLC has been and will continue to be committed to having sufficient resources to represent this class.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 28, 2024

MARCUS & ZELMAN, LLC

By: /s/ Yitzchak Zelman
Yitzchak Zelman, Esq.
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